

REMARKS

In an Office Action dated July 28, 2008, the Examiner has newly rejected Claims 1, 3-10, 12, 13, 15-21 and 23 under 35 USC §102(e) as being anticipated by a newly cited reference to U.S. Patent No. 6,931,574 issued to Coupal et al. (“Coupal”). The Examiner has also rejected Claims 2, 11, 14 and 22 under 35 USC §103(a) as being unpatentable over Coupal, in view of the previously cited reference to U.S. Patent No. 7,054,924 issued to Harvey (“Harvey”).

In this response, Applicant respectfully traverses the rejections and requests reconsideration of the claims in view of amendments to the claims and arguments as set forth in detail in the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1, 3-10, 12, 13, 15-21 and 23 were rejected under as being anticipated by Coupal. Coupal appears to disclose a protocol analyzer that includes analysis software for interpreting received data frames based upon a series of definition constructs that are stored in a protocol definition file and a protocol database of the protocol analyzer. The definition constructs appear to be manually generated using a graphical user interface to a protocol editor to assemble the necessary definition constructs for inclusion in the protocol definition file. (Coupal, Abstract) In making the rejection the Examiner appears to have drawn several erroneous conclusions about the Coupal reference.

For example, in the rejection of Claim 1, the Examiner concludes that the format of a network data frame described in Col. 9, lines 34-55 of Coupal discloses the

limitation in Claim 1 of ***building a protocol runtime specification***. In fact, the format of the network data frame described in Coupal at Col. 9, lines 34-55, is nothing more than the actual physical layout of a single data frame, which, at best, indicates the physical layout of a data frame. There is nothing in the mere format of the network data frame which discloses the ***building of a protocol runtime specification*** as that term is used and defined in the present application, much less ***a protocol runtime specification*** that ***specifies how packets for the protocol are processed by the network traffic generation and analysis tool*** as recited in Claim 1.

As another example, the Examiner concludes that the translation of the hexadecimal content of the packet into a higher, user understandable format as described in Coupal in Col 10, Lines 6-20, discloses ***translating data from the received packets into a format for analyzing traffic in the network traffic generation and analysis tool*** as recited in Claim 1. The user understandable format of Coupal is not the same as the format for analyzing traffic recited in Claim 1. Rather, the format recited in Claim 1 is a format that enables the network traffic generation and analysis tool (not a human user) to perform its function without new protocol support. In an effort to advance the prosecution of the application to allowance as quickly as possible, Applicant has amended the independent claims to clarify that the received packets are translated ***into a proper format for analyzing traffic in the network traffic generation and analysis tool***. The amendment is supported by the specification and drawings, in particular in paragraph [0011] on Page 5 of the application as filed.

In addition to these shortcomings, the Examiner has simply failed to show how the teaching of Coupal discloses each and every limitation of the claim. As an example,

in Claim 1, the Examiner summarily concludes that the protocol analyzer device described in Coupal at Col. 4, Lines 5-32, discloses the network traffic generation and analysis tool recited in Claim 1, but again fails to explain how Coupal discloses a *protocol runtime specification* that *specifies how packets for the protocol are processed by* the network traffic generation and analysis tool.

Claims 9, 13 and 21 contain similar limitations as in Claim 1. For at least the reasons set forth in this response, Applicants submit that independent Claims 1, 9, 13, and 21 and their dependent claims are patentably distinguishable over Coupal and, therefore, allowable. Consequently, consideration and allowance of Claims 1, 3-10, 12, 13, 15-21 and 23 is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 2, 11, 14 and 22 were rejected as being unpatentable over Coupal, in view of the previously cited reference to Harvey.

Applicant submits that dependent claims 2, 11, 14 and 22 are allowable because they depend from allowable independent claims 1, 9, 13, and 21, and because of their additional limitations. Consequently, consideration and allowance of Claims 2, 11, 14 and 22 is respectfully requested.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-23 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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